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# Office Memorandum • UNITED STATES GOVERNMENT

TO : Lawrence R. Houston, General Counsel

DATE: 19 May 1952

FROM : [REDACTED] Office of General Counsel

SUBJECT: Delegation of Authority Under Buy American Act

1. Enclosed herewith is a request for delegation of authority to Chief of Procurement and Supply to make factual determinations under the Buy American Act. Such authority is delegable since it is of a factual nature and does not involve the use of discretion.

2. See 15 Comptroller General 763 wherein it is stated that;

"...the showing required by second sentence - that is, a showing that the articles, materials, or supplies to be used or those from which they are manufactured are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality - may be made either by the head of the department or establishment concerned or by subordinates to whom that duty has been assigned..." (emphasis added).

See also 14 Comptroller General 601 at page 603;

"The second part of the paragraph, [41 U.S. Code 10-A], however, makes an exception to the statutory restrictions so imposed, which exception rests upon matters of fact... This second portion of the paragraph does not necessarily require action by the head of the department or establishment as there is not involved therein the exercise of personal judgment or discretion..."

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